

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
vs. ) No. 4:22-CR00465 HEA SRW  
)  
JACOB BURNEY, )  
)  
Defendant. )

**MOTION FOR DOWNWARD DEPARTURE FROM SENTENCING  
GUIDELINES**

COMES NOW the Defendant, Jacob Burney, by and through his attorney, E. Rex Bradley, and hereby respectfully requests this Honorable Court to grant a downward departure from the sentencing guidelines as authorized under 18 US Code, Section 3553 for the following reasons:

1. Defendant, Jacob Burney, did take affirmative actions to remove the fourteen (14) year old minor female away from an individual named Ryan Rottler;
2. Ryan Rottler, while in Las Vegas, Nevada, approached the Defendant, Jacob Burney, and suggested to the Defendant, Jacob Burney, they should turn the fourteen (14) year old female over to individuals that were known by Ryan Rottler to be willing to “purchase” young females for purposes of sex trafficking and this fourteen (14) year old female could bring them a considerable amount of money;
3. Defendant, Jacob Burney, absolutely refused the request of Ryan Rottler

and immediately took actions to remove the fourteen (14) year old female away from any physical contact or exposure to Ryan Rottler;

4. Defendant, Jacob Burney, felt he and the fourteen (14) year old female were in danger to remain in the presence of Ryan Rottler;

5. Defendant, Jacob Burney, after successfully removing the fourteen (14) year old female from the presence of Ryan Rottler, did contact the uncle of the fourteen (14) year old female and advised he wanted to bring her back to Missouri and her family but was without adequate funds to pay for fuel to return to Missouri;

6. Defendant, Jacob Burney, did permit the fourteen (14) year old female to speak on the phone to her family and her family did send gasoline money to Jacob Burney and the fourteen (14) year old female for purposes of paying for gasoline to return to the State of Missouri;

7. Before leaving Las Vegas, Nevada, to return to Missouri, the Defendant, Jacob Burney, was arrested and taken into custody;

8. The sentencing report makes reference to there being two minor females in the presence of the Defendant, Jacob Burney, however, there was never any other female other than the fourteen (14) year old female;

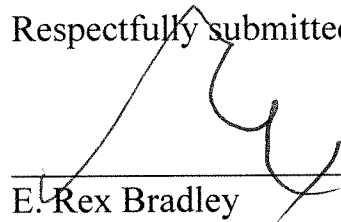
9. The above substitutes substantial mitigating circumstances which would

affirmatively and specifically identify as permissible grounds for downward departure of the sentencing guidelines issued Section 994(a) of Title 28;

10. The actions of the Defendant, Jacob Burney, as aforesaid, were not adequately taken into consideration by the sentencing commission formulating the guidelines and were not specifically identified or pointed out in the sentencing report and would show the Defendant, Jacob Burney, has provided substantially greater assistance in protecting the fourteen (14) year old female than has been previously reported.

WHEREFORE, it is respectfully requested the Court grant a downward departure from the minimum sentencing suggested in the sentencing report and impose the minimum sentence of one hundred twenty (120) months and the same would run concurrently with pending charges in the State of Missouri and any charges that might be prosecuted in the State of Nevada for being in possession of a firearm within the State of Nevada and for such other orders and relief as the Court may deem just and proper under the premises.

Respectfully submitted,

  
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A copy of the foregoing has been provided via efilings to all counsel of record on this 14<sup>th</sup> day of April, 2023. AS